

## Message Text

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INFO OCT-01 ISO-00 SSO-00 CCO-00 /005 R

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DRAFTED BY:S/S-O:KBROWN

APPROVED BY:S/S-O:GTWOHIE

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FM SECSTATE WASHDC

TO AMEMBASSY MOSCOW IMMEDIATE

C O N F I D E N T I A L STATE 195231

TOECO 100

FOL TEL SENT ACTION STATE FROM BRASILIA 29 SEP 73

REPEATED TO YOU

QTE C O N F I D E N T I A L BRASILIA 6355

FOLLOWING MESSAGE SENT ACTION BRASILIA FROM RIO SEP 27 BEING  
REPEATED FOR YOUR ACTION

QUOTE RIO DE JANEIRO 3606

E.O. 11652: GBS

TAGS: ENRG, LY, BR

SUBJECT: PETROLEUM: BUNKER HUNT NATIONALIZATION

REF: RIO 2811; BRASILIA 5090

1. BOTH RIO'S JORNAL DO BRAZIL AND O GLOBO OF SEPTEMBER  
27 CARRIED REPORT THAT THE GUANABARA STATE TRIBUNAL OF JUSTICE  
(STATE COURT OF APPEALS) WILL NOW UNDERTAKE TO DECIDE WHETHER  
BRAZILIAN STATE OR FEDERAL COURTS ARE COMPETENT TO RECEIVE  
BP/BUNKER HUNT ACTION AGAINST PETROBRAS' IMPORTATION OF  
LIBYAN PETROLEUM.

2. SUMMARIZING ACTIONS TO DATE, THE ARTICLES NOTED UNWILLING-  
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NESS OF GUANABARA'S 14TH CIVIL COURT (COURT OF FIRST INSTANCE)

TO DECIDE ISSUE OF JURISDICTION. THEY QUOTED BP/BUNKER HUNT CONTENTIONS THAT PETROBRAS ESSENTIALLY WAS PRIVATE COMPANY, DESPITE GOVERNMENT HOLDINGS, AND THAT FEDERAL INTEREST WOULD BE SIGNIFICANT ONLY IF "FEDERAL POWER WERE TO ENTER INTO CASE AS CO-LITIGANT, WILLING TO ACCEPT CONSEQUENCES OF ANY DECISION AGAINST IT." FEDERAL GOVERNMENT AND PETROBRAS ARE EXPECTED TO PRESENT VIEWS SOON, AFTER WHICH TRIBUNAL OF JUSTICE WILL FORMALLY RECEIVE THE ISSUE FOR DECISION.

3. BP/BH BRAZILIAN LAWYER NABUCO SAID ARTICLES WERE ESSENTIALLY CORRECT, AND THAT THESE ACTIONS REPRESENTED NORMAL LEGAL PROCESSES. HOWEVER, WHATEVER THE OUTCOME, FURTHER APPEALS ARE POSSIBLE, ALMOST CERTAINLY THERE IS LITTLE LIKELIHOOD OF ANY RAPID SOLUTION.

4. IN DISCUSSING GENERAL SITUATION, UK CONGEN OFFICER RIO SAID THAT ADMIRAL FARIA LIMA, PRESIDENT OF PETROBRAS, TOLD THEM WITHIN LAST DAY OR SO THAT PETROBRAS DEFINITELY PLANNING CONTINUE PURCHASES OF LIBYAN OIL. IT WOULD NOT CONSIDER EITHER ALTERNATIVE SOURCES OF CRUDE OR ANY POSSIBLE "BUY-BACK" ARRANGEMENTS. APPARENTLY HE HARBORS STRONG FEELINGS THAT PETROBRAS IS NOT GETTING EVEN-HANDED TREATMENT FROM COMPANIES. HE REPORTEDLY CITED THREE COMPANIES PRINCIPALLY ESSO AND SHELL, BUT ALSO ATLANTIC WHICH DESPITE THEIR HAVING BEEN ALLOWED ESTABLISH MARKETING ORGANIZATIONS IN BRAZIL, ARE ALLEGEDLY PARING DOWN SUPPLIES AND ARE DELIVERING CRUDE SHORT TO BRAZIL IN VIOLATION FIRM CONTRACTUAL COMMITMENTS. FARIA LIMA REPORTEDLY SAID CATEGORICALLY "CONTRACTS WITH THEM ARE NOT WORTH PAPER THEY'RE WRITTEN ON." HE IN EFFECT APPEARS TO BELIEVE THE MAJORS HAVE DRIVEN PETROBRAS INTO ITS PRESENT POSITION OF HAVING TO RELY ON LIBYAN CRUDE. TENOR OF HIS REMARKS LEFT LITTLE DOUBT IN MINDS OF BRITISH THAT HE WILL MAINTAIN FIRM POSITION AGAINST U.S. OR UK PRESSURE ON THIS ISSUE.  
BOONSTRA  
UNQTE KISSINGER

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 01 OCT 1973  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** collinp0  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1973STATE195231  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** O:KBROWN  
**Enclosure:** n/a  
**Executive Order:** GS WOHIE  
**Errors:** N/A  
**Film Number:** n/a  
**From:** STATE  
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**Image Path:**  
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**Legacy Key:** link1973/newtext/t19731058/aaaabqvf.tel  
**Line Count:** 97  
**Locator:** TEXT ON-LINE  
**Office:** ORIGIN SS  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:**  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** RIO 2811; BRASILIA 5090  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** collinp0  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 27 SEP 2001  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <27-Sep-2001 by willialc>; APPROVED <19 FEB 2002 by collinp0>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** PETROLEUM: BUNKER HUNT NATIONALIZATION  
**TAGS:** ENRG, LY, BR  
**To:** MOSCOW  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005